
TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule
LSA Document #12-576(E)

DIGEST

Temporarily amends [312 IAC 9-7-19](#) governing the taking and possession of paddlefish. Temporarily sets forth general requirements and definitions governing commercial fishing licenses, roe harvester's licenses, and roe dealer's licenses in [312 IAC 9-8-1](#). Temporarily amends [312 IAC 9-8-2](#), [312 IAC 9-8-4](#), [312 IAC 9-8-5](#), and [312 IAC 9-8-6](#) governing commercial fishing licenses on inland water and the Ohio River. Adds the roe harvester's and dealer's licenses to assist with the implementation of [IC 14-22-13-2.5](#) pertaining to the harvest, possession, and sale of roe bearing species. Repeals LSA Document #11-731(E), posted at [20111207-IR-312110731ERA](#). Effective November 1, 2012.

SECTION 1. (a) This SECTION supersedes [312 IAC 9-7-19](#) governing paddlefish.

(b) Except as provided in [312 IAC 9-8-7](#) with an Ohio River roe harvester's license, a person must not take or possess paddlefish from any water of the state.

SECTION 2. (a) This SECTION supersedes [312 IAC 9-8-1](#) governing the general requirements and definitions for commercial fishing license holders.

(b) The following definitions apply throughout SECTIONS 8 and 9 of this document *[renumbered SECTIONS 7 and 8 of this document by the Publisher]*:

- (1) "Caviar" means the processed, salted, nonfertilized roe.
- (2) "Helper" means any individual who accompanies and assists a commercial fishing license holder or licensed roe harvester in the harvest, possession, transportation, or sale of fish.
- (3) "Roe" means the internal egg mass in an ovary or the female gametes, but not caviar.
- (4) "Roe-bearing species" means the following species:
 - (A) Shovelnose sturgeon.
 - (B) Paddlefish.
 - (C) Bowfin.
- (5) "Roe dealer" means a person who possesses a valid roe dealer's license issued under SECTION 9 of this document *[renumbered SECTION 8 of this document by the Publisher]* to purchase, process, transport, and sell roe.
- (6) "Roe harvester" means an individual who possesses a valid roe harvester's license issued under SECTION 8 of this document *[renumbered SECTION 7 of this document by the Publisher]* to harvest, possess, transport, begin processing, and sell, but not purchase, roe.

(c) A commercial fishing license holder, licensed roe harvester, or roe dealer who possesses or sells a fish described in [IC 14-22-13-2.5](#) must comply with [312 IAC 9-6-11](#). The bill of lading and the shipment must be made available upon request for inspection by a conservation officer.

(d) The department shall not issue a commercial fishing license, roe harvester's license, or roe dealer's license to an individual whose sport fishing, commercial fishing, roe dealer, or roe harvester license has been suspended or revoked, during the term of the suspension or revocation.

(e) A helper of a commercial fishing license holder or licensed roe harvester must:

- (1) be in the same boat as the license holder while participating in commercial fishing or the harvesting of roe-bearing species on waters open to commercial fishing;
- (2) only transport, carry, or ship lawfully harvested fish with a bill of lading in accordance with [312 IAC 9-6-11\(a\)](#).

(f) A commercial fishing license holder or licensed roe harvester shall not allow an individual who has a sport fishing, commercial fishing, roe dealer, or roe harvester license suspended or revoked, either by a court or administrative process, in Indiana or any other jurisdiction, to serve as a helper during the term of the suspension or revocation.

(g) The cutting or mutilation of live roe-bearing species to check for eggs is prohibited except that a 10-gauge needle may be inserted into the abdomen between the pectoral and pelvic fins to determine the

presence of eggs.

SECTION 3. (a) This SECTION supersedes [312 IAC 9-8-2](#) governing commercial fishing on inland water.

(b) For purposes of this SECTION and SECTIONS 5 and 6 of this document *[renumbered SECTIONS 4 and 5 of this document by the Publisher]*, "license holder" means an individual licensed under [IC 14-22-13](#) to use in, and to possess for use in, inland water:

- (1) seines;
- (2) nets; or
- (3) other commercial fishing gear.

(c) A license holder may take or sell fish with a commercial fishing license issued under this SECTION of this document and [312 IAC 9-6-11](#). A license holder may take fish with the aid of illumination of:

- (1) a spotlight;
- (2) a searchlight; or
- (3) an artificial light;

where lawfully engaged in commercial fishing.

(d) A license holder under this SECTION of this document must not possess trout or salmon.

(e) A license holder must not possess or sell any of the following taken from inland water:

- (1) Chubs.
- (2) Northern pike.
- (3) Chain pickerel.
- (4) Muskellunge.
- (5) Tiger muskellunge.
- (6) White bass.
- (7) Yellow bass.
- (8) Striped bass.
- (9) Hybrid striped bass.
- (10) Walleye.
- (11) Sauger.
- (12) Saugeye.
- (13) Smallmouth bass.
- (14) Largemouth bass.
- (15) Spotted bass.
- (16) Bluegill.
- (17) Redear sunfish.
- (18) Rock bass.
- (19) Crappie.
- (20) American eel.
- (21) Paddlefish.
- (22) Lake sturgeon.
- (23) Lake herring.
- (24) Blue catfish less than ten (10) inches long.
- (25) Channel catfish less than ten (10) inches long.
- (26) Flathead catfish less than ten (10) inches long.
- (27) Lake whitefish less than eighteen (18) inches long.
- (28) Yellow perch.

(f) A license holder may take and sell shovelnose sturgeon that are at least twenty-five (25) inches measured in accordance with [312 IAC 9-6-2\(b\)](#) only from October 1 through May 31 and only with a valid inland water roe harvester's license.

(g) A license holder under this SECTION of this document shall keep accurate daily records on a departmental form of the following:

- (1) The pounds and species of fish caught.
- (2) The number of pieces of each type of gear fished by date.
- (3) The county fished.

The license holder shall submit the completed form to the division by the fifteenth day of each month for the preceding month whether the license holder fished or not unless the license holder has submitted an inactive license form to signify that no commercial fishing will take place on inland water for the remainder of the calendar year. The inactive license form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive. The license holder shall allow onboard and dockside inspections of the gear and catch at any time by a conservation officer or other authorized representative of the department.

SECTION 4. (a) This SECTION supersedes [312 IAC 9-8-4](#) and governs commercial fishing on the Wabash River boundary waters on the part of the Wabash River that forms the boundary between Illinois and Indiana and is supplemental to SECTIONS 4 and 6 of this document *[renumbered SECTIONS 3 and 5 of this document by the Publisher]*.

(b) A license holder under this SECTION of this document may only use a dip-net, hoop-net, fyke-net, basket-net, basket-trap, or trap-net made of twine or cords, with or without wings or leads. A license holder must not use the following:

- (1) Wings or leads constructed of any twine or cord smaller than size 9 (forty-two thousandths (0.042) inches) diameter.
- (2) A net more than two hundred (200) feet long, including wings and leads.
- (3) A net having stretch mesh less than two (2) inches.
- (4) A net that obstructs more than one-half (1/2) of the width of the river.

(c) A license holder may use a seine. A license holder must not use a seine which exceeds one hundred (100) yards in length. A license holder must not use a seine having stretch mesh less than five (5) inches. A license holder must not use a seine that obstructs more than one-half (1/2) of the width of the river.

(d) A license holder must tend each piece of fishing gear not less frequently than once every forty-eight (48) hours, and all fish taken by the gear must be removed at that time. Each item of gear must be removed immediately upon the completion of fishing.

SECTION 5. (a) This SECTION supersedes [312 IAC 9-8-5](#) and governs commercial fishing on inland water of Indiana except for the part of the Wabash River that forms the boundary between Illinois and Indiana and is supplemental to SECTION 4 of this document *[renumbered SECTION 3 of this document by the Publisher]*.

(b) A license holder must not conduct commercial fishing on inland water containing state-owned fish, except for the following rivers:

- (1) The Wabash River downstream from the city limits of Lafayette to where the river forms the boundary between Indiana and Illinois.
- (2) The White River downstream from the junction of its east and west forks to where the White River joins the Wabash River.
- (3) The west fork of the White River downstream from its junction with the Eel River in Greene County to the junction of the east and west forks of the White River.
- (4) The east fork of the White River downstream from its junction with the Lost River in Martin County to the junction of the east and west forks of the White River.
- (5) The Patoka River three hundred (300) yards downstream of the dam below the State Road 164 bridge in the city of Jasper to where the Patoka River joins the Wabash River.

(c) A license holder under this SECTION of this document may only use hoop-nets or trap-nets made of twine or cord. A license holder must not use the following:

- (1) More than four (4) hoop-nets or trap-nets.
- (2) A net having a diameter, width, or height of more than six (6) feet.
- (3) A net having stretch mesh less than two (2) inches.

(d) A license holder must tend each piece of fishing gear not less frequently than once every forty-eight (48) hours. Fish taken by the gear must be removed. Each item of gear must be removed immediately upon the completion of fishing.

SECTION 6. (a) This SECTION of this document supersedes [312 IAC 9-8-6](#) and governs commercial fishing on the Ohio River as authorized under [IC 14-22-13](#).

(b) For purposes of this SECTION of this document, "license holder" means an individual licensed under [IC 14-22-13](#) to use in, and to possess for use in the Ohio River:

- (1) seines;
- (2) nets; or
- (3) other commercial fishing gear.

(c) A license holder shall not take or sell fish except in accordance with [IC 14-22-13](#), this SECTION of this document, and [312 IAC 9-10](#). A license holder may take fish with the aid of illumination of:

- (1) a spotlight;
- (2) a searchlight; or
- (3) an artificial light;

where lawfully engaged in commercial fishing.

(d) A license holder under this SECTION of this document may take and sell all species of fish from the Ohio River except the following:

- (1) Largemouth bass.
- (2) Smallmouth bass.
- (3) Spotted bass.
- (4) Rock bass.
- (5) White crappie.
- (6) Black crappie.
- (7) Walleye.
- (8) Sauger.
- (9) Saugeye.
- (10) Striped bass.
- (11) White bass.
- (12) Hybrid striped bass.
- (13) Yellow bass.
- (14) Muskellunge.
- (15) Northern pike.
- (16) Tiger muskellunge.
- (17) Chain pickerel.
- (18) Lake sturgeon.
- (19) Trout.
- (20) Salmon.

(e) A license holder may take and sell shovelnose sturgeon that are at least twenty-five (25) inches measured in accordance with [312 IAC 9-6-2\(b\)](#) only from October 1 through May 31 and only with a valid Ohio River roe harvester's license.

(f) A license holder may take and sell paddlefish that are at least thirty-two (32) inches measured in accordance with [312 IAC 9-6-2\(c\)](#) only from November 1 through April 30 and only with a valid Ohio River roe harvester's license.

(g) A license holder under this SECTION of this document must tag each item of gear so that a conservation officer may determine if the:

- (1) gear is properly licensed; and
- (2) license holder is complying with the law.

(h) A person must not possess a seine, net, or commercial trotline except as authorized with a valid commercial fishing license for the Ohio River. This subsection of this SECTION of this document does not apply to a manufacturer, retailer, or wholesale dealer who possesses gear exclusively for sale.

(i) The use of commercial fishing gear authorized under this SECTION of this document is limited as follows:

- (1) Commercial fishing gear cannot be used on or within fifty (50) yards of a bay or inlet of the Ohio River denoted by a line drawn from point to point across the bay or inlet.
- (2) Commercial fishing gear cannot be used within fifty (50) yards of the mouth of a stream denoted by a line drawn from point to point across a stream at its farthest most downstream location at the existing water level or ordinary high watermark, whichever is lowest.

(3) Commercial gear, except slat traps, cannot be used in the following locations:

- (A) John T. Myers Dam downstream to the outer lock wall and the portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike.**
- (B) Newburgh Dam downstream to the end of the outer lock wall.**
- (C) Cannelton Dam downstream to the end of the outer lock wall.**
- (D) McAlpine Dam downstream to the K and I railroad bridge.**
- (E) Markland Dam downstream to the end of the outer lock wall.**

(j) The license holder must tend each item of fishing gear not less frequently than once every twenty-four (24) hours and all fish taken by the gear removed, except that baited hoop nets or slat traps may be left unattended for not more than seventy-two (72) hours. Each item of gear must be removed immediately upon the completion of fishing.

(k) Gear is authorized only as set forth as follows:

(1) Lines and mesh must be made of:

- (A) linen;**
- (B) cotton; or**
- (C) a flexible synthetic fiber.**

(2) The following restrictions apply to a hoop net, wing net, straight lead net, or heart lead net:

- (A) Each net described in this subdivision must have a minimum bar mesh size of one (1) inch.**
- (B) Hoops may be any size, shape, or material.**
- (C) The maximum length of the lead or wing is sixty (60) feet.**
- (D) One (1) tag must be attached to the front hoop of each net.**

(3) The following restrictions apply to a gill or trammel net:

- (A) The minimum bar mesh size that can be fished from November 1 through April 30 is four (4) inches.**
- (B) The only bar mesh size that can be fished from May 1 through October 31 is from four (4) inches to four and one-half (4 1/2) inches.**
- (C) The nets referenced in this subdivision may be fished weighted or as a flag net.**
- (D) At least one (1) tag must be attached to the net for each one hundred (100) feet of net or part thereof.**

(4) The following restrictions apply to a commercial trotline:

- (A) Each line must have more than fifty (50) hooks placed not closer than eighteen (18) inches apart.**
- (B) One (1) tag must be attached.**
- (C) The trotline must be:**
 - (i) not longer than three thousand (3,000) feet, including staging; and**
 - (ii) fished separately rather than tied in a continuous line.**

(5) The following restrictions apply to a seine:

- (A) A seine must have the following:**
 - (i) A minimum bar mesh size of one (1) inch.**
 - (ii) Both float and lead lines.**
 - (iii) Wood, fiberglass, metal poles, or brails attached to each end.**
- (B) A seine in the water must be attended by individuals pulling the seine through the water for the entrapment of fish.**
- (C) A seine must have at least one (1) tag attached for each one hundred (100) feet of net or part thereof.**

(6) The following restrictions apply to a slat trap basket:

- (A) No wire or other mesh may be added to the trap.**
- (B) At least two (2) openings not less than one and one-fourth (1 1/4) inches wide must be located between the slats. These openings shall not be restricted by cross-bracings shorter than eight (8) inches long.**
- (C) The trap shall be not larger than two (2) feet in diameter or square end measure.**
- (D) A tag must be attached to the open ring or square.**

(l) A license holder must do the following:

(1) Keep accurate daily catch records on a departmental form of the following:

- (A) The pounds and species of fish caught by gear type.**
- (B) The number of paddlefish and shovelnose sturgeon caught by gear type.**
- (C) The pounds of paddlefish, shovelnose sturgeon, sucker, and eggs sold.**
- (D) The location fished by pool, river mile, and county.**

(2) Submit to the department the completed form required under subsection (1) under this SECTION of this document *[subdivision (1)]* by the fifteenth day of each month for the preceding month whether the license holder fished or not unless the license holder has submitted an inactive license form to signify that no commercial fishing on the Ohio River will take place for the remainder of the calendar year. The inactive license form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive.

(3) Allow onboard and dockside inspection of the gear and catch at any time by a conservation officer or other authorized representative of the department.

SECTION 7. (a) This document supplements [IC 14-22-13](#) and [312 IAC 9-8](#) and establishes the roe harvester's license.

(b) An individual must not take, possess, or sell roe-bearing species without a valid roe harvester's license, except for bowfin and shovelnose sturgeon taken or possessed in accordance with [312 IAC 9-6](#) and [312 IAC 9-7](#).

(c) An individual must apply for a roe harvester's license on a departmental form.

(d) An applicant for a roe harvester's license must:

- (1) be at least eighteen (18) years of age;
- (2) possess a valid commercial fishing license; and
- (3) provide valid identification of all helpers on a departmental form.

(e) The maximum annual number of roe harvester's licenses is as follows:

- (1) Fifteen (15) resident or nonresident licenses (total) for the Ohio River.
- (2) Fifteen (15) resident licenses for inland water of the state.

(f) The division shall prioritize the issuance of roe harvester's licenses as follows:

- (1) First, to residents of Indiana.
- (2) Second, upon those applications by individuals who have submitted completed monthly reports to the department under SECTION 7 of this document *[renumbered SECTION 6 of this document by the Publisher]* and who have submitted a completed renewal application no later than December 15 of the year preceding the license year requested.
- (3) Third, upon the order the application was received by the division of fish and wildlife.

(g) A roe harvester must do the following:

(1) Prepare a daily transaction report on a departmental form in ink for each day of the month that roe-bearing fish were harvested and include the following:

- (A) The length of the fish by species for each fish harvested.
- (B) The number of each roe-bearing species harvested.
- (C) The river where roe-bearing species were harvested.
- (D) Whether the fish contains eggs or not.
- (E) The date.
- (F) The name of any helper.

(2) Submit the signed daily transaction report to the department by the fifteenth day of each month for the preceding month for each day that roe-bearing fish were harvested unless the license holder has submitted an inactive license form to signify that no harvesting of roe or roe-bearing species will take place for the remainder of the calendar year. The inactive license form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive.

(3) Notify the department on a departmental form of any change in the list of helpers.

(4) Not allow an individual to participate in the harvest, possession, transportation, or sale of roe or roe-bearing species until the list of helpers on which the individual is identified has been received by the division.

(5) Fish for roe-bearing species only in accordance with this document.

(6) Retain for at least five (5) years a copy of all records and reports required under this SECTION of this document.

(7) Sell roe only to an Indiana-licensed roe dealer.

(8) Leave the roe intact and inside the body of the fish while on the body of water or adjacent to the water being fished.

(h) A roe harvester may:

(1) Sell the meat of an individual roe-bearing species of fish that does not contain roe to any other person.

(2) Screen and wash the roe in accordance with 21 CFR 123, but shall not salt or otherwise process the roe, unless licensed as a roe dealer under SECTION 9 of this document [*renumbered SECTION 8 of this document by the Publisher*].

(i) A roe harvester's license issued under this SECTION of this document is not transferable.

(j) Upon request by a conservation officer or other authorized representative of the department, a license holder must allow:

(1) access to all records and reports required under this document upon request; and

(2) entry and inspection of the license holder's premises, equipment, boats, vehicles, and facilities.

SECTION 8. (a) This document supplements [IC 14-22-13](#) and [312 IAC 9-8](#) and establishes the roe dealer's license.

(b) A person must not purchase or process roe-bearing species without a valid roe dealer's license, with the exception of the meat and caviar from roe-bearing species.

(c) A person must apply for a roe dealer's license on a departmental form. A person must submit a completed renewal application no later than December 15 of the year preceding the license year requested.

(d) A person applying for a roe dealer's license must be at least eighteen (18) years of age.

(e) A roe dealer under this SECTION of this document must do the following:

(1) Not purchase fish or unprocessed roe that the roe dealer knows was taken or possessed unlawfully.

(2) Possess a valid roe dealer's license while purchasing, receiving, transporting, or selling unprocessed roe and processing roe.

(3) Submit a complete, true, and accurate report to the department by the fifteenth day of the following month on a signed departmental form in ink that includes the following information:

(A) name and license number of the roe harvester;

(B) number of pounds of screened eggs of each roe-bearing species received;

(C) the final processed weight (caviar) of each roe-bearing species received; and

(D) the date the roe or screened eggs were received for each roe-bearing species.

(4) Maintain for a period of five (5) years an accurate record of all transactions involving roe-bearing species and/or roe purchased from a roe harvester including the roe or caviar sold and the name and address of the individual or company to whom the roe or caviar was sold or transferred.

(5) Complete and sign the roe harvester's license transaction record for each transaction on a departmental form on the date of purchasing roe-bearing species from the roe harvester that includes the following information:

(A) The date the product is received.

(B) Pounds of screened eggs for each roe-bearing species of fish.

(6) Obey all state and federal laws applicable to the processing of roe and products of roe-bearing species.

(f) A roe dealer's license issued under this SECTION of this document is not transferable.

(g) A roe dealer issued a license under this SECTION of this document must, upon request by a conservation officer or other authorized representative of the department, allow:

(1) access to all records and reports required under this SECTION of this document upon request; and

(2) entry and inspection of the license holder's premises, equipment, boats, vehicles, and facilities.

SECTION 9. LSA Document #11-731(E), posted at [20111207-IR-312110731ERA](#), IS REPEALED.

SECTION 10. SECTIONS 1 through 9 of this document take effect November 1, 2012.

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